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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,146	11/25/2003	John C. Gudenkauf	MSFT-2747/303264.01	6324

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EXAMINER

DEBROW, JAMES J

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/721,146	GUDENKAUF ET AL.	
	Examiner	Art Unit	
	James J. Debrow	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 11-22 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-22 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in responsive to communications: Request for Continued Examination filed on 18 Sep 2006.
2. Claims 1-7, 11-22, and 26-30 are pending in this case. Claims 1, and 16, are independent claims.

### ***Applicant's Response***

3. In Applicant's Response dated 18 Sep 2006, Applicant amended claims 1 and 16, and argued previous objections/rejections.

### ***Continued Prosecution Application***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 Sep 2006 has been entered.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-7, 11-22, and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandenburg (Pub. No.: 2004/0199867 A1; Effective Filing Date: Dec. 16, 2003).**

**In regard to independent claims 1, and 16, Brandenburg discloses a**  
*computing system having an editing process operating thereon, the editing process:*

*receiving a selection of a piece of content, the content including at least one item therein, each item specifying a pre-defined portion of the content (0034;*

Brandenburg discloses Publishing Content Objects (POC), which are created and managed in the content management system.).

*receiving a selection of an edit form separate from the content, the edit form including at least one control therein, each control being available for receiving an item of the content and for specifying attributes relating to displaying the received item in a page that is to be served to a requester thereof (0008; 0047 -0049, Brandenburg*

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*receiving a selection of a content-control statement separate from the content and the edit form, the content-control statement specifying for each of at least some items of the content a control from the edit form to be employed to display the item in the page and thereby binding the content to the edit form (0008; 0021-0026; 0042-0049; 0062-0066; Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products. Brandenburg further disclose associating metadata defines in the content-management system with a POC.).*

*performing one of receiving a selection of a layout statement separate from the content, the edit form, and the content-control statement or allowing an editor to create the layout statement separate from the content, the edit form, and the content-control statement, the layout statement specifying each item of the content that is to appear in the page, including a layout order of such specified item within the page and any attributes to be applied to such item (0008; 0021-0026; 0042-0049; 0062-0066; Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products. Brandenburg further disclose associating metadata defines in the content-management system with a POC.).*

*facilitating the editor in editing the layout statement to edit how the content is to appear in the page (0021-0026; 0042-0046; 0062-0066; Brandenburg discloses associating metadata defines in the content-management system with a POC.).*

*facilitating the editor in editing the content to produce edited content based on*

*the received content, the received edit form, and the received content-control statement and not on the layout statement, the edited content including only those items of the content and only those controls of the edit form as specified by the content-control statement (0021-0026; 0042-0046; 0062-0066; Brandenburg discloses associating metadata defines in the content-management system with a POC.).*

*outputting the edited layout statement and the edited content, wherein a transforming process is to produce the page based on the edited content, the layout statement, and a pre-selected rendering format, wherein the editing process outputs the edited content as an intermediate form of the content including the items of the content and the controls of the edit form that are referenced by the content-control statement (0112; 0150; 0234-0238; Brandenburg discloses outputting the metadata and the POC associated with it.).*

*wherein the editing process receives the content without any indicia that binds such content to any particular edit form (0037-0038).*

*wherein the editing process receives the edit form without any indicia that binds such edit form to any particular content (0037-0038).*

**In regard to dependent claims 2, and 17,** Brandenburg discloses *the computing system of claim 1 wherein the editing process includes a user interface (UI) setting forth editable attributes of the edit form, a UI setting forth each item of content, a UI setting forth the content-control statement, a UI setting forth the layout statement, and a UI setting forth the page based on the content, the edit form, the content-control statement,*

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*and the layout statement (0008; 0047 -0049, 0004; 0053; 0058; 0159-0167;*

Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products. Brandenburg further discloses different tables, which hold information describing each POC.).

**In regard to dependent claims 3, and 18,** Brandenburg discloses *the computing system of claim 2 wherein the UI for each of the piece of content represents same in a graphical form (0058);*

**In regard to dependent claims 4, and 19,** Brandenburg discloses *the computing system of claim 1 wherein the editing process receives each of the piece of content, the edit form, the content-control statement, and the layout statement in an computer-based markup language (Claim 3; Brandenburg discloses the POC are arranged to be media neutral by storing or managing them using an XML structure.).*

**In regard to dependent claims 5, and 20,** Brandenburg discloses *the computer system of claim 1 wherein the editing process outputs the edited content in a neutral format not specific to any particular rendering format (Abstract; Claims 2 & 3;* Brandenburg discloses the POC are arranged to be media neutral by storing or managing them using an XML structure. It has been established and is well known in the art that XML is an neutral format language that is capable of describing many different kinds of data.).

**In regard to dependent claims 6, and 21,** Brandenburg discloses *the computing system of claim 1 wherein the editing process outputs the edited content as an intermediate form of the content based on at least the edit form, the content-control statement, and the layout statement* (Abstract; Claims 2 & 3; Brandenburg discloses the POC are arranged to be media neutral by storing or managing them using an XML structure. It has been established and is well known in the art that XML is an neutral format language that is capable of describing many different kinds of data.).

**In regard to dependent claims 7 and 22,** Brandenburg discloses *the computing system of claim 1 wherein the editing process outputs the edited content as an intermediate form of the content without taking into consideration the layout statement* (Abstract; Claims 2 & 3; Brandenburg discloses the POC are arranged to be media neutral by storing or managing them using an XML structure. It has been established and is well known in the art that XML is an neutral format language that is capable of describing many different kinds of data.).

**In regard to dependent claims 11, and 26,** Brandenburg discloses *the computing system of claim 1 wherein the editing process receives a selection of an edit form with a control that specifies at least one of a minimum and a maximum number of instances of the control that can appear in a page based on the edit form, and facilitates the editor to select however many instances of the control are desired for the page*



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(0004; 0053; 0159-0167; Brandenburg discloses different tables which hold information describing each POC.).

**In regard to dependent claims 12, and 27,** Brandenburg discloses *the computing system of claim 1 wherein the editing process receives a selection of an edit form with a control that specifies a sequence attribute for an instance of the control that appears in a page based on the edit form, and facilitates the editor in editing the layout statement to specify a value for the sequence attribute to define a position of the instance of the control within the page in relation to other instances of controls in the page* (0008; 0047 -0049, 0004; 0053; 0159-0167; Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products. Brandenburg further discloses different tables, which hold information describing each POC.).

**In regard to dependent claims 13, and 28,** Brandenburg discloses *the computing system of claim 1 wherein the editing process receives a selection of an edit form with a control that specifies a custom attribute for an instance of the control that appears in a page based on the edit form, and facilitates the editor in editing the layout statement to specify a value for the custom attribute* (0008; 0047 -0049, 0004; 0053; 0159-0167; Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products.

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Brandenburg further discloses different tables, which hold information describing each POC.).

**In regard to dependent claims 14, and 29, Brandenburg discloses *the computing system of claim 1 wherein the editing process further: receives a selection of the edited content*** (0034; Brandenburg discloses Publishing Content Objects (POC), which are created and managed in the content management system.).

*receives another selection of an edit form* (0008; 0047 -0049, Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products.).

*receiving another selection of a content-control statement* (0008; 0021-0026; 0042-0049; 0062-0066; Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products. Brandenburg further disclose associating metadata defines in the content-management system with a POC.).

*performing one of receiving another selection of a layout statement or allowing an editor to create another layout statement* (0008; 0021-0026; 0042-0049; 0062-0066; Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products. Brandenburg further disclose associating metadata defines in the content-management system with a POC.).

*facilitating the editor in editing the another layout statement (0021-0026; 0042-0046; 0062-0066; Brandenburg discloses associating metadata defines in the content-management system with a POC.).*

*outputting the edited another layout statement and further edited content (0112; 0150; 0234-0238; Brandenburg discloses outputting the metadata and the POC associated with it.).*

**In regard to dependent claims 15, and 30, Brandenburg discloses *the computing system of claim 1 wherein the editing process:***

*receives a selection of a plurality of pieces of content, each piece of content including at least one item therein (0008; 0047 -0049, 0004; 0053; 0159-0167; Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products. Brandenburg further discloses different tables, which hold information describing each POC.).*

*receiving a selection of an edit form, the edit form including at least one control therein, each control being available for receiving an item of one of the pieces of content (0008; 0047 -0049, Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products.).*

*receiving a selection of a content-control statement corresponding to each selected piece of content, each content-control statement specifying for each of at least some items of the corresponding piece of content a control from the edit form to be*

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*employed to display the item in the page and thereby binding the corresponding piece of content to the edit form 0026; 0139-0143; 0150; 0154; Brandenburg discloses automation rules to be logged assignment metadata containing information related to the status of publishing content objects.).*

*performing one of receiving a selection of a layout statement or allowing an editor to create the layout statement, the layout statement specifying each item of each piece of content that is to appear in the page, including a layout order of such specified item within the page and any attributes to be applied to such item (0008; 0021-0026; 0042-0049; 0062-0066; Brandenburg discloses a dynamic Layout Budget which is utilized as a tool for selecting content to be included in a specific issue and editions of news products. Brandenburg further disclose associating metadata defines in the content-management system with a POC.).*

*facilitating the editor in editing the layout statement to edit how each piece of the content is to appear in the page (0021-0026; 0042-0046; 0062-0066; Brandenburg discloses associating metadata defines in the content-management system with a POC.).*

*outputting the edited layout statement and a piece of edited content, the edited content being an intermediate form of each piece of content based on at least the edit form and each corresponding content-control statement (0112; 0150; 0234-0238; Brandenburg discloses outputting the metadata and the POC associated with it.).*

**Note**

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7. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

### ***Response to Arguments***

8. Applicant's arguments, see Remarks, filed 11 Aug. 2006, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Brandenburg.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW  
EXAMINER  
ART UNIT 2176

A handwritten signature in black ink, appearing to read 'Doug Hutton', written over a horizontal line.

DOUG HUTTON  
PRIMARY EXAMINER  
TECH CENTER 2100